

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/238,821
Applicant : Joseph Phillip Bigus
Filed : January 28, 1999
TC/A.U. : 3691
Examiner : Olabode Akintola

Docket No. : RO998-238
Customer No. : 30206

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Reconstruction Request mailed August 20, 2010, Applicant is not aware and does not possess the Examiner's Answer (mailed March 7, 2005) to Appeal Brief (mailed July 8, 2003). Attached is a copy of Applicant's record of events between the Office and the Applicant.

Respectfully submitted,

Date: September 14, 2010

By: 

Steven W. Roth, Counsel
Attorney Reg. No. 34,712
IBM Corporation, Dept 917
3605 Highway 52 North
Rochester, MN 55901-7829
Telephone: (507) 253-1600

Attachments

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

In re Application of: Joseph P. Bigus
Application No.: 09/238,821
Filing Date: January 28, 1999
Title: **VEHICLE-BASED ORDER ENTRY
AND PROCESSING MECHANISM**

Direct to: U. S. Patent and Trademark Office
Mail Stop: Duplicates
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

NOTICE UNDER 37 CFR 1.251 – Pending Application**Statement (check the appropriate box):**

☐ The copy submitted with this reply is a complete and accurate copy of applicant's record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the Office and applicant for the above-identified application that is not among applicant's records.

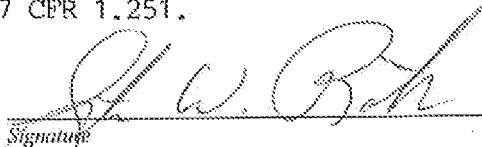
☐ The copy of the paper(s) listed in the notice under 37 CFR 1.251 is/are a complete and accurate copy of applicant's record of such paper(s).

☐ The papers produced by applicant are applicant's complete record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the Office and the applicant for the above-identified application that is not among applicant's records.

☒ Applicant does not possess any record of the correspondence between the Office and the applicant for the ^{matter} above identified application. Identified in the Notice Under 37 CFR 1.251.

September 14, 2010

Date



Signature

Steven W. Roth

Typed or printed name

A Copy of this notice should be returned with the reply.

Burden Hour Statement: This collection of information is required by 37 CFR 1.251. The information is used by the public to reply to a request for copies of correspondence between the applicant and the USPTO in order to reconstruct an application file. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 60 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.**

Event Name	Date	Recorded by
DOCKET APPLICATION FOR FILING	3-Nov-1998	MigrationAgent
FILE AMENDMENT (SUPPLEMENTAL)	20-May-1999	MigrationAgent
Migration Event	1-Oct-1999	Migration Agent
Receive Office Action (Non-Final)	27-Apr-2000	Deb Peterson
File Amendment (Response to Office Action)	28-Aug-2000	Deb Peterson
Petition for Extension of Time (1 month)	28-Aug-2000	Deb Peterson
Receive Postcard - General	8-Sep-2000	Deb Peterson
Receive Office Action (Final)	22-Nov-2000	Deb Peterson
Receive Notice of Confirmation Number Assignment	29-Dec-2000	Nancy Larson
File Notice of Appeal to Board of Patent Appeals	22-Feb-2001	Deb Peterson
Receive Postcard - General	5-Mar-2001	Deb Peterson
Petition for Extension of Time (1 month)	16-May-2001	Deb Peterson
File Continued Prosecution Application (CPA) (Continuation)	16-May-2001	Deb Peterson
File Amendment (Preliminary)	16-May-2001	Deb Peterson
Receive Postcard - Application Filing	24-May-2001	Deb Peterson
Receive Corrected Filing Receipt	10-Aug-2001	Deb Peterson
Receive Office Action (Non-Final)	13-Aug-2001	Deb Peterson
File Notice of Appeal to Board of Patent Appeals	13-Dec-2001	Deb Peterson
Petition for Extension of Time (1 month)	13-Dec-2001	Deb Peterson
Receive Postcard - General	21-Jan-2002	Deb Peterson
File Amendment (Preliminary)	13-Feb-2002	Deb Peterson
File Continued Prosecution Application (CPA) (Continuation)	13-Feb-2002	Deb Peterson
Receive Postcard - General	5-Mar-2002	Deb Peterson
Receive Corrected Filing Receipt	19-Mar-2002	Deb Peterson
Receive Office Action (Non-Final)	8-May-2002	Deb Peterson
Receive Corrected Filing Receipt	8-Jul-2002	Deb Peterson
File Request for Corrected Filing Receipt	16-Jul-2002	Deb Peterson
Receive Postcard - General	29-Jul-2002	Deb Peterson
File Notice of Appeal to Board of Patent Appeals	8-Aug-2002	Deb Peterson
Receive Corrected Filing Receipt	13-Aug-2002	Deb Peterson
Receive Postcard - Notice of Appeal	22-Aug-2002	Deb Peterson
File Appeal Brief	7-Nov-2002	Deb Peterson
Petition for Extension of Time (1 month)	7-Nov-2002	Deb Peterson
Receive Postcard - General	19-Nov-2002	Deb Peterson
Receive Notice of Noncompliance of Appeal Brief	26-Jun-2003	Nancy Larson
File Amended Appeal Brief	8-Jul-2003	Deb Peterson
Receive Postcard - Amended Appeal Brief	28-Jul-2003	Deb Peterson
File Foreign IDS and Petition Requesting Consideration	16-Jun-2004	Deb Peterson
Receive Request to Reconstruct	7-Mar-2005	Deb Peterson
File Reconstructed File	11-Apr-2005	Deb Peterson
Receive Postcard - General	18-Apr-2005	Deb Peterson
Order Returning Undocketed Appeal to Examiner	24-May-2006	Deb Peterson
File Status Inquiry	24-Apr-2009	Deb Peterson
File Supplemental Amendment	15-Sep-2009	Deb Peterson
Receive Request to Reconstruct	20-Aug-2010	Lisa Plank



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

NOTICE UNDER 37 CFR 1.251 - Pending Application

☐ The file on the cover sheet cannot be located after a reasonable search. Therefore, the Office is initiating the reconstruction of the file of the above-identified application pursuant to the provisions of 37 CFR 1.251.

Applicant is hereby requested to provide a copy of applicant's record (if any) of all of the correspondence between the Office and applicant for the above-identified application (except for U.S. patent documents), a list of such correspondence, and a statement that the copy is a complete and accurate copy of applicant's record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and whether applicant is aware of any correspondence between the Office and applicant for the above-identified application that is not among applicant's records.

☒ The following paper(s) pertaining to the above-identified application cannot be located after a reasonable search:

Examiner's Answer to Appeal Brief (7/19/2003) mailed on 3/07/2005.

Therefore, the Office is initiating the reconstruction of such paper(s) pursuant to the provisions of 37 CFR 1.251.

Applicant is hereby requested to provide a copy of the paper(s) listed above and a statement that the copy of such paper(s) is a complete and accurate copy of applicant's record of such paper(s).

If applicant does not possess any record of the correspondence between the Office and the applicant for the file listed on the cover sheet or any copy of the paper(s) listed, applicant must reply to this notice by providing a statement that applicant does not possess any record of the correspondence between the Office and the applicant for the above-identified application.

☐ A printout from PALM of the contents of the file of the above-identified application is included with this notice.

Direct the reply to this notice to:

U. S. Patent and Trademark Office
Mail Stop: **Duplicates**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Direct questions concerning this notice to:

Application Assistance Unit / Customer Service

1-(888)-786-0101 -- or -- 571-272-4200

PTO Doc. Code: R251.NTC (Rev. 03/05)